

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

vs.

COMCAST CORPORATION ET AL.,

Defendants.

CASE NO. 2:09-cv-175 (TJW)

Jury Trial Demanded

JOINT MOTION TO DISMISS

NOW COMES the Plaintiff Beneficial Innovations, Inc. and Defendant Digg Inc. and respectfully move the Court to dismiss the claims between them, and in support thereof would respectfully show the Court as follows:

All matters in controversy between Beneficial Innovations, Inc. and Digg Inc. in this suit have been settled and compromised, and these parties therefore jointly move to dismiss all claims asserted between them, with prejudice to the right to pursue any such claims in the future except as provided in the parties' settlement agreement. These parties further move that all costs of court be assessed against the party who incurred them.

WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that their claims against each other be dismissed with prejudice, with all costs of court being assessed against the party who incurred them.

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Dated: November __, 2009

Respectfully submitted,

By: /s/ Julien A. Adams

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 6th day of November, 2009 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Julien A. Adams
Julien A. Adams